

	Absent.
McGee.	Neal.
	Absent—Excused.
Johnson.	Odell.
Miller.	Swann.

# TWENTY-SIXTH DAY.

Senate Chamber,  
Austin, Tex., Tuesday, Feb. 19, 1901.

Senate met pursuant to adjournment.  
Lieutenant-Governor Browning in the chair.

Roll called. No quorum present, the following Senators answering to their names:

	Present—18.
Beaty.	Patterson.
Davidson of	Paulus.
DeWitt.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Harris of Bexar.	Staples.
Harris of Hunt.	Wayland.
Johnson.	Wilson.
Lipscomb.	Yett.
Neal.	

	Absent—10.
Davidson of	McGee.
Galveston.	Stafford.
Dibrell.	Turner.
Hanger.	Turney.
James.	Wheeler.
Lloyd.	

	Absent—Excused.
Miller.	Swann.
Odell.	

Senator Grinnan moved a call of the Senate for the purpose of securing a quorum, which call being duly seconded, the doors were closed and the roll called, the following Senators answering to their names:

	Present—19.
Beaty.	Patterson.
Davidson of	Paulus.
DeWitt.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Harris of Bexar.	Staples.
Harris of Hunt.	Turner.
Johnson.	Wayland.
Lipscomb.	Wilson.
Neal.	Yett.

	Absent—9.
Davidson of	Lloyd.
Galveston.	McGee.
Dibrell.	Stafford.
Hanger.	Turney.
James.	Wheeler.

	Absent—Excused.
Miller.	Swann.
Odell.	

Senator Turney was announced.  
Senator Dibrell was announced.  
Senator Stafford was announced.  
Senator Wheeler was announced, and  
A quorum being announced, the doors were reopened, and prayer was offered by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of last Friday,

On motion of Senator Patterson, the same was dispensed with.

# PETITIONS AND MEMORIALS.

Senator Johnson presented a petition from the members of "K" Company, Third Texas Volunteer Guard, of Terrell, Texas; and Senator Savage presented a memorial from citizens of Nocona, Texas; and Senator Staples presented a petition from the citizens of Brenham, asking for a \$25,000 appropriation for the Texas Volunteer Guard.

Read, and referred to Committee on Finance.

The Chair laid before the Senate memorials from the W. C. T. U. and citizens of Rosenberg, Texas; and Senator Wayland presented a memorial from the citizens of Limestone county, asking for an amendment to the local option law regulating shipments of liquor by express to local option districts.

Read, and referred to Committee on State Affairs.

Senator Beaty presented to the Senate, and had read, the following communication:

MEDICAL DEPARTMENT,  
TULANE UNIVERSITY OF LOUISIANA.  
New Orleans, February 13, 1901.

Hon. J. T. Beaty, Austin.

MY DEAR SIR: As evidence of the great necessity for stringent laws regulating the practice of medicine in Texas, I desire to call your attention to the fact that there is here now the board of examiners for the Tyler district who are issuing certificates to practice medicine in Texas without any regard whatever to qualification. The \$15.00 fee seems to be the only requisite. In fact, they guarantee certificates. One fellow, with whom I'm well acquainted, and who has been here but two and one-half months, told me that they gave him a certificate and never asked him a single question on practice, surgery, obstetrics or diseases of women. They take the name of the applicant and send it back to Texas, and the certificate is issued

there. And they go so far as to assure the boys that in case the bill that is pending now passes before the certificates come that they will have them dated back prior to its passage. You can readily see that this, as well as some of the work of the Texarkana and some other boards, is simply a disgrace to the medical profession in Texas and a serious imposition on the people.

I trust that your influence will be used in rushing the bill through.

Yours very truly,

E. T. CLARK.

P. S.—The bill should contain a clause that will head off back dating of certificates. Such would be kept up indefinitely if not prevented.

Senator Davidson of DeWitt presented to the Senate, and had read, the following communication:

MEDICAL DEPARTMENT,

TULANE UNIVERSITY OF LOUISIANA.

New Orleans, February 13, 1901.

*Hon. Jas. I. Perkins, Austin.*

MY DEAR SIR: There is here now the medical board for the Tyler district, issuing certificates to practice medicine in Texas to anybody and everybody (I mean that is in the medical school) who makes application and pays the \$15.00. They promised a certificate to an Angelina boy who has been in the medical school only two and one-half months, and did not ask him a single question on surgery, practice, obstetrics or gynecology. You can readily see what a disgrace and how unjust this is to the profession and people of the State. They take the name of the applicant and send it back to Texas and the certificate is issued and forwarded here. They guarantee a certificate and promise that in case the bill that is now pending passes before the certificates come they will date them back prior to its passage. Suppose they will issue fifty or seventy-five certificates while here, and then probably visit Memphis, St. Louis and other schools.

This is but another evidence of the great necessity for the passage of the bill regulating the practice of medicine in Texas. If the bill contains no clause that will prevent the back dating of certificates it should by all means. Back dating will be kept up indefinitely unless specifically headed off.

I confidently hope that your influence will be used for the immediate passage of the bill.

Yours very truly,

E. T. CLARK,

From Keltys, Angelina county.

## COMMITTEE REPORTS.

The following committee reports were made to the Senate:

Committee Room,

Austin, Texas, February 15, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 197, being a bill to be entitled "An Act to provide for the organization of private corporations, traction companies, for the purpose of constructing, acquiring, maintaining and operating electric inter-urban roads between and connecting different cities, towns and villages, and into, through and over public streets of the different cities, towns and villages reached by same, and to provide the manner and method of organizing said corporations; to prescribe the rights, powers, privileges and duties of said corporations; to authorize said corporations to construct, acquire, operate and maintain such electric roads; own, use and occupy lands, easements, buildings and structures; to empower such corporations to condemn lands and other property for the use and purposes of such corporations, and to provide the method therefor."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

POTTER, Chairman.

Committee Room,

Austin, Texas, February 15, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Substitute House bill No. 7, being a bill to be entitled "An Act to regulate and define the fees of the clerks of the district courts of the State of Texas in civil cases, and fix the fees for transferring misdemeanor indictments to inferior courts,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, with the following amendments:

"Add after line 17, page 1, the following words: 'Every other order, judgment or decree not otherwise provided for, 75 cents.'

"Strike out in line 21, page 4, the words, 'or collected or paid into his hands under authority of any judgment,

execution or order of sale, and paid into his hands.'"

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, February 15, 1901.  
*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 149, being a bill to be entitled "An Act to amend Section 1, Article 993, Chapter 12, Title XXVII, of the Revised Civil Statutes of the State of Texas, changing the place of holding the Court of Civil Appeals for the First Supreme Judicial District from Galveston, Galveston county, Texas, to Houston, Harris county, Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be referred to Committee on Judicial Districts.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, February 15, 1901.  
*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 154, being a bill to be entitled "An Act amending Articles 4304, 4309, 4310, 4311, 4312, 4314, 4315 and 4316, Title XC, passed in 1899, providing for the appointment and election of public weighers, defining their duties and providing fees and penalties,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, February 15, 1901.  
*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 40, being a bill to be entitled "An Act to provide for incorporation, savings banks, loan or building companies,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the following committee substitute be passed in lieu thereof:

Substitute Senate bill No. 40:

# A BILL

## TO BE ENTITLED

An Act to provide for incorporation of loan and building companies.

Be it enacted by the Legislature of the State of Texas:

Section 1. That any number of persons, not less than three nor more than thirteen, may organize themselves into a corporation for the purpose of receiving investment deposits, loaning money, or building and improving real estate. The manner and method of organizing such corporations shall be the same as provided by law for the organization of private corporations in Chapter 2, Title XXI, of the Revised Statutes of the State, but no charter of such loan or building company shall be accepted and filed by the Secretary of State until he has satisfactory evidence that fifty thousand (50,000) dollars of the capital stock has been subscribed for, and not less than ten per cent. paid in cash, and the unpaid portion shall be liable for the debts of any corporation authorized under this act.

Sec. 2. The business and property of such loan and building companies shall be managed by a board of directors, not less than three nor more than thirteen, who shall be capital stockholders, the first board to be designated in the articles of incorporation, who shall at their first meeting, and annually thereafter, as their by-laws shall require, elect from their number a president, vice-president, cashier or secretary, and elect or appoint such other officers or agents as they may deem expedient, and their by-laws may provide for.

Sec. 3. Such loan or building companies shall have authority to issue certificates of deposit, investment or loan shares in any amounts the business may demand, and with such interest and under such regulations and contracts as the by-laws prescribe, but such regulations and contract shall be plainly printed on the certificate of deposit, investment or loan shares, and no amendment to the by-laws or alteration in the regulations shall, in any manner, affect the contract as stated in such certificate of deposit, investment or loan shares. On all loans made by the companies doing business under this act, lawful interest may be charged and collected monthly until the same has been fully liquidated without same being deemed usurious.

Sec. 4. Companies formed and doing business under this act shall be bodies corporate in fact and in name: may

have a common seal; may, in any court of law or equity in this State, sue and be sued; may own, possess so much real and personal estate, for the exercise of their business, whether by grant, demise, gift or otherwise; may, from time to time, sell and dispose of same when not required for the use of the corporation; may borrow money and pledge their franchises and property, both real and personal, to secure the payment thereof; and may have and exercise all of the powers necessary and requisite to carry into effect the objects for which they may have formed, as named in their charter.

Sec. 5. The capital stockholders of any corporation formed under this act, or the directors, if the certificate of incorporation so provide, shall have the power to make such by-laws as they deem proper for the management of the affairs of the company not inconsistent with the laws of this State, for the purpose of carrying on all kinds of business within the objects and purposes of such company.

STAFFORD, Chairman.

Committee Room,

Austin, Texas, February 19, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 70, being a bill to be entitled "An Act to validate the titles to certain lands located and patented in Carson, Dallam and Hutchinson counties since July 14, 1879,"

And find the same correctly engrossed.

BEATY, Chairman.

Committee Room,

Austin, Texas, February 15, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 152, being a bill to be entitled "An Act to aid the city of Galveston in elevating and raising said city so as to protect it from calamitous overflows, by donating and granting to it the State ad valorem, occupation and poll taxes, collected upon property and from persons in said city, for a period of fifteen years, and to provide a penalty for their misapplication,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the following committee substitute be passed in lieu thereof:

## A BILL

### TO BE ENTITLED

An Act to aid the city of Galveston in elevating and raising said city so as to protect it from calamitous overflows, by donating and granting to it the State ad valorem and a part of the occupation and poll taxes, collected upon property and from persons in the city, for a period of fifteen years, and to provide a penalty for their misapplication.

Whereas, The city of Galveston was, on the 8th day of September, A. D. 1900, devastated by a storm and calamitous overflow, whereby thousands of lives were lost, and property of the value of many millions of dollars was destroyed, which caused and constitutes a great public calamity; and,

Whereas, The agricultural, commercial and manufacturing, mining and stock-raising interests of the State of Texas, and of the States and Territories, a large portion of the commerce of which seeks the high seas through the port of Galveston, require the speedy protection of said city and port, and with a view of the State of Texas aiding in protecting said city, and the inhabitants thereof, from calamitous overflows; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That, for a period of fifteen years, commencing with the fiscal year beginning September 1, 1901, there be and hereby are donated and granted by the State of Texas, to the city of Galveston, the net amounts of money collected from the following State taxes:

First. The State ad valorem taxes collected upon property and from persons in the corporate limits of the city of Galveston.

Second. The State ad valorem taxes collected from railroad companies upon property situated in the county of Galveston, including rolling stock which shall be ascertained and apportioned as now provided by law.

Third. Three-fourths of all monies collected from State occupation taxes received from persons, firms, companies or associations of persons doing business in the city of Galveston.

Fourth. All poll taxes collected from persons in the city of Galveston, except that belonging to the public school fund.

Sec. 2. The assessor of taxes for the county of Galveston shall assess all property and persons within the corporate limits of the city of Galveston, separate from those in other portions of the county, and shall make and keep the assessment rolls for said city separate and

distinct from the assessment rolls from the remainder of Galveston county.

Sec. 3. The Comptroller shall keep separate accounts of all taxes collected within the corporate limits of the city of Galveston, and also from that portion of Galveston county outside of the corporate limits of said city of Galveston.

Sec. 4. At the end of each month the collector of taxes for Galveston county shall, on forms to be furnished by the Comptroller of Public Accounts, make an itemized report, under oath, to said Comptroller, showing each and every item of State ad valorem, occupation and poll taxes collected by him, as provided for in the two foregoing sections, upon property and from persons within the city of Galveston, and accompany the same with a summarized statement showing full disposition of all such taxes collected; said collector shall present such report, together with the tax receipt stubs, authorized by law to be kept, to the county clerk of Galveston county, who shall, within two days, compare said report with the said stubs, and if the same agree in every particular as regards names, dates and amounts, he (the clerk) shall certify to its correctness, for which examination and certificate he shall be paid by the commissioners court twenty-five cents for each certificate and twenty-five cents for each two hundred tax-payers on said report. The said collector shall then, immediately, forward his reports, so certified, to the Comptroller, and shall pay over to the city treasurer of the city of Galveston all monies collected by him, during said month, under the provisions of this act, except such amounts as are allowed by law for assessing and collecting the same, and shall forward a duplicate copy of the receipts given to him by the treasurer of the city of Galveston, for such monies, to the Comptroller.

Sec. 5. The treasurer of the corporation of the city of Galveston shall, at the end of each month, make an itemized report, under oath, to the Comptroller of Public Accounts, showing the amount of money received by him from the collector of taxes for Galveston county, and what disbursements, if any, have been made during said month, of said monies.

Sec. 6. The municipal authorities of the city of Galveston shall, on the first of January of each year, cause to be made an itemized statement, under oath, and in duplicate, showing the amount of money received by the city of Galveston, under the provisions of this act, and how the same has been expended. One copy of such statement shall be forwarded to

the Governor of the State and the other to the Comptroller of Public Accounts.

Sec. 7. The monies herein and hereby granted and donated to the city of Galveston are declared to be a trust fund, for the purpose of aiding the city of Galveston in paying the interest and sinking fund upon an issue, or issues, of bonds, the proceeds of which bonds are to be used exclusively for the elevation and raising of the streets, avenues, alleys, sidewalks and lots in said city above calamitous overflows, and for securing and protecting such fillings. The use or diversion of such monies for any other purpose whatsoever is hereby prohibited. A violation of the provisions of this section shall constitute a misapplication of public money, and the person or persons, so offending, shall be punished as provided for in Article 96 of the Penal Code of Texas.

STAFFORD, Chairman.

Committee Room,

Austin, Texas, February 19, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 195, being a bill to be entitled "An Act to aid and foster industrial training in the public schools of Texas, and to appropriate the sum of \$20,000 out of the general revenue of the State to provide for the maintenance of said schools and the means and conditions by and under which State aid shall be extended to such schools,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

PAULUS, Chairman.

#### BILLS AND RESOLUTIONS.

By Senator Staples:

Senate bill No. 199, A bill to be entitled "An Act to amend Article 969, Chapter 3, Title XVIII, of the Penal Code of the State of Texas, relating to seduction."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Lipscomb:

Senate bill No. 200, A bill to be entitled "An Act authorizing the filing of notice of the pendency of suit affecting real property by the parties to said suit, in the office of the county clerk in the county where the property is situated; making the filing of such notice constructive notice of said suit and its object to any purchaser or incumbrancer of said property; provided, that every purchaser or incumbrancer whose conveyance is not

recorded shall be deemed a subsequent purchaser, or incumbrancer; providing for the recording of such notice; and defining the word 'incumbrancer' as used in this act."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Goss:

Senate bill No. 201, A bill to be entitled "An Act prescribing the effect of breaches or warranty, representations, and conditions in fire insurance policies on property in Texas."

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senator Goss:

Senate bill No. 202, A bill to be entitled "An Act to create King county into a separate land district."

Read first time, and referred to Committee on Public Lands and Land Office.

By Senator Potter:

Senate bill No. 203, A bill to be entitled "An Act to amend Article 994a of the Revised Statutes of the State of Texas, of 1895, providing for the manner of transferring cases from one Court of Civil Appeals to another."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Beaty:

Senate bill No. 204, A bill to be entitled "An Act granting a right of way fifty feet in width over all cut over school lands to all tram roads while engaged in hauling logs to saw mills for manufacturing purposes."

Read first time, and referred to Committee on Internal Improvements.

The Chair here declared the morning call concluded.

#### EXCUSED.

On motion of Senator Potter, Senator James was excused from attendance upon the Senate until Monday morning, February 25th, on account of important business.

#### FIRST HOUSE MESSAGE.

The following House message was delivered to the Senate:

Hall of the House of Representatives,  
Austin, Texas, February 19, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 137, A bill to be entitled "An Act to amend Title LVIII, Revised Civil Statutes, relating to the subject of

insurance, by adding thereto Chapter 5, embracing Articles 3096aa, 3096bb, 3096cc, 3096dd and 3096ee, providing that no insurance contract shall be held void because of immaterial misrepresentations made in the application therefor, or in the contract of insurance, and providing conditions upon which a defense may be made upon the ground of misrepresentation in the application, or in the contract, or in proof of death or loss, and making such contracts subject to the laws of this State; and prescribing conditions upon which foreign insurance corporations shall be permitted to do business in this State," with amendments.

House bill No. 164, A bill to be entitled "An Act amending Articles 883 and 918e, of Chapter 2, Title XXV, Revised Statutes of Texas, 1895, relating to the issuance of bonds by counties, and the registration by the Comptroller of bonds issued by counties, cities and towns; providing for the cancellation of old bonds when new bonds are issued in lieu thereof; providing that Articles 903, 904, 905, 906, 907 and 908 shall remain in full force so far as they relate to bonds heretofore issued under Article 902, and all laws of which said article is amendatory: repealing all laws in conflict herewith, and particularly Article 902, and providing an emergency."

Also House Concurrent Resolution No. 12, Concerning transfer and cancellation of leases.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

#### EXECUTIVE COMMUNICATION.

The following executive communication was delivered, and the Chair immediately laid the same before the Senate:

EXECUTIVE OFFICE,

STATE OF TEXAS.

Austin, February 18, 1901.

*To the Legislature:*

By request of Miss Clara Barton, President of the American National Red Cross, I transmit herewith her response to the resolutions adopted in reference to the assistance rendered by the American National Red Cross for the relief of the storm stricken district on the Texas coast.

JOSEPH D. SAYERS,  
Governor.

*To His Excellency, Joseph D. Sayers,  
Governor of the State of Texas.*

GOVERNOR: Among the cherished honors of my life, and those of the or-

ganization which I represent, stands pre-eminently the courteous resolution passed by your honorable body in legislative assembly, tendering its thanks for the assistance rendered by the American National Red Cross towards the relief of the people of your State so terribly stricken by the disaster of September eighth, nineteen hundred, as well as its personal mention of myself, so little expected, so warmly appreciated.

Nowhere in our land has disaster fallen so heavily as on your beautiful sea-girt island of Galveston, and its bordering mainland. Nowhere have a people shown themselves so ready to meet disaster—brave, resolute, sympathetic, capable and enduring. They are sure to recover. Though fought to the death, they are not conquered; though stricken, they are not slain. The fostering arm of the State will tenderly draw them to itself, spread over them its broad mantle of paternal pity and care, and hold them again in its old-time love and pride.

The joy of the Red Cross was, that it was permitted to give such little relief as it could; its regret, that it was not many hundredfold.

For that permission and generous attention, its thanks go out to the faithful, efficient Governor of the State, whose tireless, true-hearted interest in the welfare of his people will constitute his proudest monument.

For the great courtesy shown to the Red Cross, its agents, and myself, by your State, I am poor even in thanks, but such as I have, on behalf of all, I give.

May I pray you, Governor, to transmit this expression of grateful recognition to the two bodies of your Legislature.

With highest respect, I am,  
Yours cordially,

CLARA BARTON,  
President American National Red Cross.  
Washington, D. C., February 13, 1901.

#### PRIVILEGED COMMUNICATIONS.

The Chair here laid before the Senate the following privileged communications:

Austin, Texas, February 15, 1901.

*Hon. J. N. Browning, President of the Senate, Austin, Texas.*

DEAR SIR: As the Legislature now has under consideration in several forms the subject of industrial education or manual training in connection with the public school system, we may be pardoned for calling your attention to the fact

that we have in the Austin High School a manual training department pretty well equipped and in full operation. As our high school is only a few blocks from the capitol, we think it likely that some of the Senators interested in the subject mentioned would like to avail themselves of an opportunity to inspect our school and to see for themselves what kind of work is done and how it is done. To such gentlemen the school will be open each school day from 9 a. m. to 3 p. m., and they are cordially invited to come in without any hesitation at any hour that may suit their convenience, and feel at perfect liberty to remain as long as they may choose. We wish to assure you that such visits will in no way interrupt the work of the school, and that we are always glad to welcome visitors who are interested in this subject.

By order of City School Board.

Very respectfully,

T. G. HARRIS,  
Superintendent City Schools.

YAQUI TRIBE NO. 59,

IMPROVED ORDER OF RED MEN.

Laredo, Texas, February 16, 1901.

*Hon. J. N. Browning, Lieutenant-Governor, Austin, Texas.*

DEAR SIR: By direction of Yaqui Tribe No. 59, I. O. R. M., I have the honor to extend to yourself and the honorable members of the Senate a cordial invitation to attend the Third Annual Celebration of Washington's Birthday, February 22, 1901, to be held by the Tribe in the Hunting Grounds of Laredo.

Yours respectfully,  
JAS. NETZER,  
Sachem.

#### SECOND HOUSE MESSAGE.

The following House message was delivered to the Senate:

Hall of the House of Representatives,  
Austin, Texas, February 19, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following resolution:

House Concurrent Resolution No. 14, Requesting the Governor to return to the House House Bill No. 102 for correction.

Also that the House refuses to concur in Senate amendments to House bill No. 4, and asks for the appointment of a Free Conference Committee. On the

part of the House the following committee has been appointed on said committee: Messrs. Lane, Connally and Perkins.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

#### SENATE BILL NO. 97—SPECIAL ORDER.

The Chair here laid before the Senate, with pending amendment, the special order,

Senate bill No. 97, A bill to be entitled "An Act to repeal Title LXXXII of the Revised Statutes of the State of Texas, and to pass in lieu thereof this act: To license physicians and surgeons and endeavor to regulate the practice of medicine, and to punish persons violating the provisions thereof in the State of Texas."

#### HOUSE CONCURRENT RESOLUTION NO. 14—ON ADOPTION.

On motion of Senator Sebastian, the pending business (Senate bill No. 97) was suspended and the Senate took up, House Concurrent Resolution No. 14 (see second House message above), and

The Chair laid the resolution before the Senate as follows:

Whereas, Substitute House bill No. 102, which passed both houses, and is now in the hands of the Governor, contains errors, which it becomes necessary to correct; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Governor be and he is hereby requested to return said bill to the house in which the same originated for further consideration.

[Signed

LANE,  
BRYAN.]

The resolution was read second time, and adopted.

#### SENATE BILL NO. 101—ON THIRD READING—SENATE REFUSED TO TAKE UP.

Senator Grinnan moved to suspend pending business (Senate bill No. 97) and take up out of its order, and on its third reading.

Senate bill No. 101, A bill to be entitled "An Act to prohibit the keeping or exhibiting for the purpose of profit or gaming any gaming table or bank, pigeon hole table or jenny lind table, or nine or ten pin alley or alley of any kind whatever, regardless of the number of pins, balls or rings, used for profit or gaming."

Motion to suspend pending business was lost.

#### SENATE BILL NO. 97—PENDING BUSINESS.

The Senate proceeded with the consideration of pending business, Senate bill No. 97 (see caption above), action being upon the following amendment to the first committee amendment offered by Senator Goss:

"Amend the first committee amendment by striking out the word 'three,' in line 16, and insert 'four'; and by inserting after the word 'Texas,' in line 18, the words: 'The Board of Physico-Medical Examiners of the State of Texas.'"

Senator Davidson of DeWitt offered the following substitute for the pending amendment:

"Amend the committee amendment by striking out Article 2 of said committee amendment."

Senator Goss accepted the substitute, and the amendment as substituted was adopted.

#### SENATE BILL NO. 97—COMMITTEE AMENDMENTS ADOPTED.

Action recurring on the committee amendments to Senate bill No. 97, Senator Wheeler renewed his request of Friday, that a division be called.

First committee amendment was adopted in the substitute of Senator Davidson of DeWitt.

The second committee amendment was read, and adopted.

The third committee amendment, as amended, was read, and adopted.

Senator Davidson of DeWitt offered the following amendment:

"Amend the bill, line 9, page 1, by striking out the word 'endeavor.'"

Amendment was read, and adopted.

Senator Harris of Bexar offered the following amendment:

"Amend Section 8, line 12, page 4, by striking out the words 'prior to' and insert the words 'continuously since,' and strike out, in line 13, page 4, the figures '1873' and insert the figures '1891.'"

(Senator Turney in the chair.)

Amendment was read, and lost.

(Lieutenant-Governor Browning in the chair.)

Senator Dibrell offered the following amendment:

"Amend by striking out all after the caption and insert the following in lieu thereof:

"Be it enacted by the Legislature of the State of Texas:

"Section 1. Any person shall be regarded as practicing medicine or surgery



in this State who shall, for pay, directly or indirectly, prescribe for or administer medicines to any patient or who shall operate upon or dress the wound of any patient or superintend such operation or the dressing of any wound. Persons who do not prescribe or administer medicines shall not be regarded as practicing medicine.

"Sec. 2. No person shall hereafter be authorized to practice medicine or surgery in this State without procuring a certificate of qualification from the medical faculty of the Medical Branch of the University of Texas. Such certificate of qualification shall be signed by the president and attested by the secretary of such medical faculty.

"Sec. 3. Before any person holding such certificate of qualification shall be authorized to practice medicine in this State, such certificate shall be filed with and recorded by the county clerk of the county where such physician resides or where he wishes to practice medicine or surgery, but filing and recording in one county in this State shall be in compliance with this act.

"Sec. 4. The provision of this act shall in nowise affect those persons who are now legally practicing medicine in this State, and who have complied with the provisions of the existing laws of this State.

"Sec. 5. It shall be unlawful for any person to practice medicine in this State who is addicted to the excessive use of intoxicating drinks or of morphine, cocaine or of any other sedative drug; or to operate upon any person with hands or any instrument not surgically clean.

"Sec. 6. Any person who shall practice medicine or surgery in this State in violation of any of the provisions of this act shall be fined not less than \$50.00 or more than \$500 for each offense, or by both fine and imprisonment not exceeding six months in the county jail.

"Sec. 7. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

"Sec. 8. The fact that there is no law now in force adequately providing for the license of physicians and surgeons creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted."

#### SENATE BILL NO. 97—MOTION TO POSTPONE.

Senator Stafford moved that further consideration of the pending bill and pending amendment be postponed until

10 a. m. Thursday, February 21, and be made a special order after the morning call.

Senator Patterson offered as a substitute motion that the subject matter be postponed until 3 p. m. today, which motion prevailed, and

The motion as substituted prevailed.

#### THIRD HOUSE MESSAGE.

The following House message was delivered to the Senate:

Hall of the House of Representatives.

Austin, Texas, February 19, 1901.

*Hon. J. N. Browning, President of the the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 365, A bill to be entitled "An Act to amend Sections 7, 8 and 10 of 'An Act to provide for the location and building of a branch asylum for the care and treatment of the epileptic insane of the State, and to make an appropriation therefor,' passed by the Twenty-sixth Legislature of the State of Texas, and approved February 9, 1899, and to repeal an Act of the First Called Session of the Twenty-sixth Legislature on the same subject, approved February 20, 1900, and all other laws in conflict herewith."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

#### IN THE SENATE.

The Chair had read and referred the following House bills:

House bill No. 164 (see first House message) to Committee on Counties and County Boundaries.

House bill No. 137 (see first House message) to Judiciary Committee No. 1.

House bill No. 365 (see third House message) to Committee on State Asylums.

#### HOUSE CONCURRENT RESOLUTION NO. 13—REFERRED.

On motion of Senator Turney, House Concurrent Resolution No. 13 (see first House message) was referred to Committee on Public Lands and Land Office.

#### ADJOURNMENT.

Senator Patterson moved that the Senate adjourn until 3 p. m.

Senator Dibrell offered a substitute motion that the Senate adjourn until 10 a. m. tomorrow.

Question recurring on the longest time

first, the motion of Senator Dibrell was lost, and

On further vote the Senate, at 12:50 o'clock p. m., adjourned until 3 o'clock p. m.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

##### Present—22.

Beaty.	Potter.
Davidson of	Savage.
DeWitt.	Sebastian.
Dibrell.	Stafford.
Goss.	Staples.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
Neal.	Wilson.
Patterson.	Yett.
Paulus.	

##### Absent—5.

Davidson of	Hanger.
Galveston.	Lloyd.
Grinnan.	McGee.

##### Absent—Excused.

James.	Odell.
Miller.	Swann.

#### FOURTH HOUSE MESSAGE.

The following House message was delivered to the Senate:

Hall of the House of Representatives,  
Austin, Texas, February 19, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 174, A bill to be entitled "An Act to amend Article 1316, Chapter 12, Title XXX, of the Revised Civil Statutes of the State of Texas, and to require the judges of the district and county courts to prepare and read their charges to the jury before counsel shall argue the cause to the jury, and to repeal all laws in conflict herewith."

Also House bill No. 169, A bill to be entitled "An Act to amend an act passed at the Regular Session of the Twenty-sixth Legislature, approved April 20, 1899, entitled 'An Act to amend Articles 3892, 3893 and 3894, Chapter 6, Title LXXXVI, of the Revised Civil Statutes of the State of Texas, relating to the

duties and extending the powers of the Board of Education in the investment of the permanent free school fund; and adding thereto Articles 3891a and 3894a, giving the State Board of Education an option of ten days on county bonds and on the bonds of incorporated cities, and providing that when a premium is paid for bonds the Board of Education shall refund the same; and to authorize commissioners courts to invest the permanent public free school fund belonging to the counties in this State, as provided in this act for the investment of State permanent public free school fund."

Also House bill No. 173, A bill to be entitled "An Act to repeal Title LXXXII of the Revised Statutes of the State of Texas, and to pass in lieu thereof this act: To license physicians and surgeons, and endeavor to regulate the practice of medicine, and to punish persons violating the provisions thereof in the State of Texas."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

#### IN THE SENATE.

The Chair had read, and referred the foregoing House bills as follows:

House bill No. 173, to Committee on Public Health.

House bill No. 169, to Committee on Education.

House bill No. 174, to Judiciary Committee No. 1.

#### SENATE BILL NO. 97—PENDING BUSINESS.

The Senate here proceeded with consideration of Senate bill No. 97 (see caption under heading in morning session report).

Senator Dibrell withdrew his amendment introduced to the bill during the morning session, and

Senator Harris of Bexar offered the following amendment:

"Amend line 13, Section 8, page 4, by striking out the figures '1873' and substituting the figures '1885' in lieu thereof."

Amendment was read, and adopted, and

Senator Wayland offered the following amendment:

"Amend page 1, line 21, by inserting between the word 'member' and the word 'shall' the following words: 'Of said boards.'"

Amendment was read, and adopted, and

Senator Dibrell offered the following amendment:

"Amend Section 13, page 6, by adding after the word 'midwife,' in line 19, the following: 'Provided, that the provisions of this act shall not apply to persons treating diseases who do not prescribe or administer drugs or medicine.'"

#### RECESS TAKEN.

Pending action on the foregoing amendment,

On motion of Senator Patterson, the Senate, at 3:30 o'clock p. m., took a twenty minute recess for the purpose of the Public Health Committee considering House bill No. 173 (reported in the fourth House message).

#### AFTER RECESS.

After recess, by unanimous consent, the following committee reports were made to the Senate:

Committee Room,

Austin, Texas, February 19, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Public Health, to whom was referred

House bill No. 173, being a bill to be entitled "An Act to repeal Title LXXXII, of the Revised Statutes of the State of Texas, and to pass in lieu thereof this act: To license physicians and surgeons and endeavor to regulate the practice of medicine, and to punish persons violating the provisions thereof in the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, and be not printed.

TURNER, Acting Chairman.

Committee Room,

Austin, Texas, February 19, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on State Asylums, to whom was referred

House bill No. 365, being a bill to be entitled "An Act to amend Sections 7, 8 and 10 of 'An Act to provide for the location and building of a branch asylum for the care and treatment of the epileptic insane of the State, and to make an appropriation therefor,' passed by the Twenty-sixth Legislature of the State of Texas, and approved February 9, 1899, and to repeal an Act of the First Called Session of the Twenty-sixth Legislature on the same subject, approved February 20, 1900, and all other laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

YETT, Chairman.

#### SENATE BILL NO. 97—PENDING BUSINESS.

The Senate, upon proceeding with the consideration of pending business, Senate bill No. 97, and pending amendment by Senator Dibrell,

Senator Davidson of DeWitt moved that the bill and amendment lay on the table subject to call, and

The motion prevailed.

#### HOUSE BILL NO. 173—ON SECOND READING.

On motion of Senator Davidson of DeWitt, the Senate rule requiring committee reports to lay on the table for one day was suspended for the purpose of considering House bill No. 173, and

On further motion of Senator Davidson of DeWitt, the pending business, Senate bill No. 77, was, for the purpose of placing House bill No. 173 on its second reading, suspended by the following vote:

Yeas—23.

Beaty.	Paulus.
Davidson of	Potter.
DeWitt.	Savage.
Dibrell.	Sebastian.
Goss.	Stafford.
Grinnap.	Staples.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
Neal.	Wilson.
Patterson.	Yett.

Absent.

Davidson of	Lloyd.
Galveston.	McGee.
Hanger.	

Absent—Excused.

James.	Odell.
Miller.	Swann.

The Chair then laid before the Senate, on its second reading,

House bill No. 173 (see fourth House message above for caption).

Bill was read second time, and

Senator Goss offered the following amendment:

"Amend Section 2 by striking out the word 'three' and inserting 'four,' and by inserting after the word 'Texas' where it occurs the second time in said section

the words, "The Board of Physico Medical Examiners of the State of Texas." (Senator Sebastian in the chair.)

Senator Patterson moved the previous question on the bill and pending amendment, which motion being duly seconded, the main question was ordered, and

The amendment by Senator Goss was lost.

The bill was then passed to a third reading.

On motion of Senator Davidson of DeWitt, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Beaty.	Potter.
Davidson of	Savage.
DeWitt.	Sebastian.
Dibrell.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Turner.
Johnson.	Turney.
Lipscomb.	Wayland.
Neal.	Wheeler.
Patterson.	Wilson.
Paulus.	Yett.

Nays—2.

Goss.	Grinnan.
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Absent.

Davidson of	Lloyd.
Galveston.	McGee.
Hanger.	

Absent—Excused.

James.	Odell.
Miller.	Swann.

Bill was read third time, and passed by the following vote:

Yeas—23.

Beaty.	Paulus.
Davidson of	Potter.
DeWitt.	Savage.
Dibrell.	Sebastian.
Goss.	Stafford.
Grinnan.	Staples.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
Neal.	Wilson.
Patterson.	Yett.

Absent.

Davidson of	Lloyd.
Galveston.	McGee.
Hanger.	

Absent—Excused.

James.	Odell.
Miller.	Swann.

Senator Davidson of DeWitt moved to reconsider the vote by which the bill was passed and lay that motion on the table. Motion to table prevailed.

#### INVITATION FROM SAN MARCOS.

Senator Dibrell presented to the Senate the following invitation:

*To the Senators of the Twenty-seventh Legislature, and Officers and Newspaper Correspondents:*

The citizens of San Marcos extend them an invitation to visit the city of San Marcos, Saturday, the 23rd inst., 1901, as the guests of said city.

(Signed) W. D. Wood,  
Mayor City of San Marcos.

February 19, 1901.

On motion of Senator Johnson, the invitation was accepted.

#### BILLS AND RESOLUTIONS.

By unanimous consent, the following bills were introduced:

By Senator Johnson:

Senate bill No. 205, A bill to be entitled "An Act to establish and maintain kindergarten schools in cities, towns and villages incorporated under the laws of Texas."

Read first time, and referred to Committee on Education.

By Senator Potter:

Senate bill No. 206, A bill to be entitled "An Act to amend Section 4, of Chapter 5, of the Acts of the Special Session of the Twenty-fifth Legislature of the State of Texas, approved June 16, 1897, relating to the fees of sheriffs and constables, providing the amount of such fees, and for the payment of sheriffs and constables' costs."

Read first time, and referred to Committee on Finance.

#### ADJOURNMENT.

On motion of Senator Johnson, the Senate, at 5:30 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

#### TWENTY-SEVENTH DAY.

Senate Chamber,  
Austin, Tex., Wednesday, Feb. 20, 1901.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the fol-